

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

PABLO PAZ, Individually and A/N/F  
JANE DOE, A Minor, and RUTH PAZ

VS.

LIFE TIME FITNESS, INC., LTF CMBS 1,  
LLC, LTF CLUB MANAGEMENT  
COMPANY, LLC, LTF CLUB  
OPERATIONS COMPANY, INC., and  
GENE SMITH

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CIVIL ACTION NO. 4:09-CV-2804

(Jury Demand)

**DEFENDANTS LIFE TIME FITNESS, INC., LTF CMBS 1, LLC, LTF CLUB  
MANAGEMENT COMPANY, LLC, LTF CLUB OPERATIONS COMPANY,  
INC., and GENE SMITH'S TRADITIONAL MOTION FOR SUMMARY JUDGMENT**

Defendants, LIFE TIME FITNESS, INC., LTF CMBS 1, LLC, LTF CLUB  
MANAGEMENT COMPANY, LLC, LTF CLUB OPERATIONS COMPANY, INC., and GENE  
SMITH (hereinafter "Defendants") file this Motion for Traditional Summary Judgment.

1. Defendants ask this Court to grant their Traditional Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56.

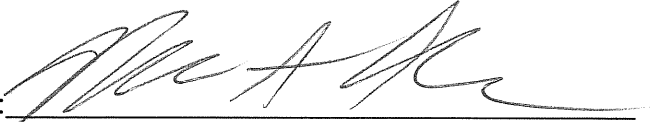
2. In the attached brief in support of the Defendants Traditional Motion for Summary Judgment, Defendants show that the Plaintiffs' claims are barred, because Miraris Ruth Paz signed a Participation Agreement with the Defendants barring all claims of negligence and gross negligence against the Defendants.

**PRAYER**

In light of the foregoing, Defendants LIFE TIME FITNESS, INC., LTF CMBS 1, LLC, LTF CLUB MANAGEMENT COMPANY, LLC, LTF CLUB OPERATIONS COMPANY, INC., and GENE SMITH respectfully request that this Court grant their Traditional Motion for Summary Judgment.

Respectfully submitted,

SHEINESS, SCOTT, GROSSMAN & COHN, L.L.P.

By: 

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CLUB MANAGEMENT COMPANY, LLC, LTF  
CLUB OPERATIONS COMPANY, INC., and GENE  
SMITH*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing instrument has been served on all counsel of record by the CM/ECF system of the Southern District of Texas, Houston Division, in accordance with the Federal Rules of Civil Procedure and applicable Local Rules on this, the 1 day of September, 2010

MARC A. SHEINESS